

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JOSHUA FRAUSTRO and MIGUEL
AGUILAR a/k/a KEMIKAL956,

Plaintiffs,

v.

BELCALIS ALMANZAR a/k/a CARDI B,
JOSHIA I. PARKER a/k/a OG PARKER,
JAMES D. STEED a/k/a DJ SWANQO,
CELEBRITY BOOKING AGENCY,
ATLANTIC RECORDS, and WARNER
MUSIC GROUP,

Defendants.

Civil Action File No.
7:24-CV-00264

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL
AS TO DEFENDANT CELEBRITY BOOKING AGENCY**

Pursuant to Rule 41(a)(1)(A(i) of FED R. CIV. P., Plaintiffs Joshua Fraustro and Miguel Aguilar a/k/a Kemikal956 ("Plaintiffs"), files this Notice of Voluntary Dismissal as to Defendant Celebrity Booking Agency, Inc. ("Defendant Celebrity"), and respectfully shows unto the court:

I. PROCEDURAL BACKGROUND

1. Plaintiffs filed this action on July 3, 2024. (**ECF No. 1.**)
2. Request for Summons was issued upon Defendant Steed on July 3, 2024 (**ECF No. 8.**)
3. Plaintiffs filed an Amended Complaint on August 2, 2024. (**ECF No. 15.**)
4. Request for Summons was issued upon Defendant Steed on September 18, 2024 (**ECF No. 21**)

5. Defendant Celebrity has not filed an answer or a motion for summary judgment in this cause of action.

II. SUBJECT MATTER JURISDICTION

6. The court has subject matter jurisdiction over all Defendants for the claims alleged in Plaintiffs' Amended Complaint. *Fonovisa, Inc. v. Cherry Auction, Inc.*, 76 F.3d 259 (9th Cir. 1996); *Gershwin Publ'g Corp. v. Columbia Artists Mgmt., Inc.*, 443 F.2d 1159 (2d Cir.1971); *Lanham Act*, 15 U.S.C. § 1125(a)); *FMC Finance Corp. v. Murphree*, 632 S.W.2d 600 (Tex. 1982); *Vortt Exploration Company, Inc. v. Chevron U.S.A., Inc.*, 787 S.W.2d 942 (Tex. 1990); *Wrench LLC v. Taco Bell Corp.*, 256 F.3d 446 (6th Cir. 2001); *Kewanee Oil Co. v. Bicron Corp.*, 416 U.S. 470 (1974); *Quick Techs., Inc. v. Sage Group PLC*, 313 F.3d 338, 343 (5th Cir.2002) (quoting *Wilson v. Belin*, 20 F.3d 644, 648 (5th Cir.1994).

7. Defendant Celebrity Booking Agency a music artist booking agency, has a personal stake in the outcome of the controversy as it has represented Defendant Belcalis Almánzar a/ka/ Cardi B as her booking agent on the music production made basis of this complaint and therefore the court has jurisdiction over the matter. 28 U.S.C. § 1332, *Corfield v. Dallas Glen Hills LP*, 355 F.3d 853 (2003), *St. Paul Reinsurance Co., Ltd. v. Greenberg*, 134 F.3d 1250 (1998), *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326 (1995), *Dixie Electric, LLC v. Jarwin*, Not Reported in Fed. Supp. (2017).

III. PERSONAL JURISDICTION

8. While Plaintiffs establish a prima facie case for personal jurisdiction over Defendant Belcalis Almánzar a/ka/ Cardi B ho clearly routinely conducts activities within the forum, availed herself of the privilege of conducting activities within this forum, thus invoking the benefits and protections of its laws and is the primary artist who infringed on Plaintiffs' rights and work product of the song "Greasy Frybread", re-recorded and released directly by Defendant Belcalis Almánzar a/ka/ Cardi B as "Enough (Miami)", (ECF No. 15; ECF No. 30; ECF No. 36), Plaintiffs cannot at

first glance show the same as to Defendant Celebrity.

WHEREFORE, PREMISES CONSIDERED, in the interest judicial efficacy and to expedite proceedings, Plaintiffs file this Notice of Voluntary Dismissal as to Defendant Celebrity Booking Agency, Inc.

Dated: December 26, 2024.

Respectfully Submitted,

/s/ Robert R. Flores

Robert R. Flores

Texas Bar No. 24071887

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2024, I electronically filed on this date the foregoing Notice of Voluntary Dismissal as to Defendant James D. Steed a/k/a DJ Swanqo with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all of the attorneys of record.

/s/ Robert R. Flores

Robert R. Flores